Amendments to the Claims:

This listing of claims will replace all prior versions, and listing, of claims in the application:

1-14.(Cancelled).

- 15. (Now Amended) A polymorph compound which is a polymorphic form of 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione, maleic acid salt, wherein said polymorph has compound provides at least one of:
 - (i) an infra red spectrum containing peaks at 1763, 912, 856 and 709 cm⁻¹;
 - (ii) a Raman spectrum containing peaks at 1762, 1284, 912 and 888 cm⁻¹;
- (iii) a solid-state ¹³C nuclear magnetic resonance spectrum containing peaks at 111.0, 113.6, 119.8, 129.1, 130.9, 131.8, 134.7, 138.7, 146.5, 152.7, 157.5, 169.5. 171.0, 178.7 ppm; or and
- (iv) an X-ray powder diffraction (XRPD) pattern having calculated lattice spacings at 5.87, 5.30, 4.69, 4.09, 3.88, 3.61, 3.53 and 3.46 Angstroms.
- 16. (Now Amended) A polymorph compound according to claim 15, which has provides, in a mineral oil dispersion, an infra red spectrum substantially in accordance with Figure I.
- 17. (Now Amended) A polymorph compound according to claim 15 which has provides a Raman spectrum substantially in accordance with Figure II.
- 18. (Now Amended) A polymorph compound according to claim 15 which has provides a solid-state ¹³C nuclear magnetic resonance spectrum substantially in accordance with Figure III.
- 19. (Now Amended) A polymorph compound according to claim 15 which has provides a solid-state ¹³C nuclear magnetic resonance spectrum substantially in accordance with Table I.

- 20. (Now Amended) A polymorph compound according to claim 15 which has provides an X-ray powder diffraction pattern substantially in accordance with Figure IV.
- 21. (Now Amended) A polymorph compound according to claim 15 which has provides an X-ray powder diffraction pattern substantially in accordance with Table II.
- 22. (Now Amended) A polymorph compound according to claim 15 in isolated form.
 - 23. (Cancelled).
 - 24. (Cancelled).
- 25. (Now Amended) A process for preparing the polymorph compound according to claim 15, comprising:

suspending 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl] thiazolidine-2,4-dione, maleic acid salt in acetone; stirring the suspension at an elevated temperature for an extended period of time; and recovering the polymorph compound.

26. (Now Amended) A process for preparing the polymorph compound according to claim 15, comprising:

seeding a solution of 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl] thiazolidine-2,4-dione, maleic acid salt in denatured ethanol at an elevated temperature with crystals of the polymorph compound; cooling the seeded solution; and recovering the polymorph compound from the denatured ethanol.

- 27. (Now Amended) A pharmaceutical composition comprising an effective, non-toxic amount of the polymorph compound according to claim 15 and a pharmaceutically acceptable carrier therefor.
- 28. (Now Amended) A method for the treatment or prophylaxis of diabetes mellitus, conditions associated with diabetes mellitus and certain complications

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thereof, in a human or non-human mammal which comprises administering an effective, non-toxic, amount of the polymorph compound according to claim 15 to a human or non-human mammal in need thereof.

- 29. (Now Amended) A method for the treatment of Type II diabetes in a human comprising administering an effective, non-toxic amount of the polymorph compound according to claim 15 to a human in need thereof.
- 30. (Original) A method of claim 29, wherein the administrating comprises oral administration.
- 31. (Now Amended) A method of claim 30, wherein the polymorph compound is administered in the form of a tablet or capsule for said oral administration.
- 32. (Original) A composition according to claim 27 which is adapted for oral administration.
- 33. (Original) A composition according to claim 32 which is in the form of a table or a capsule for said oral administration.
- 34. (Now Amended) A polymorph compound which is a polymorphic form of 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione, maleic acid salt, wherein said polymorph has compound provides:
 - (i) an infra red spectrum containing peaks at 1763, 912, 856 and 709 cm⁻¹;
 - (ii) a Raman spectrum containing peaks at 1762, 1284, 912 and 888 cm⁻¹;
- (iii) a solid-state ¹³C nuclear magnetic resonance spectrum containing peaks at 111.0, 113.6, 119.8, 129.1, 130.9, 131.8, 134.7, 138.7, 146.5, 152.7, 157.5, 169.5. 171.0, 178.7 ppm; and
- (iv) an X-ray powder diffraction (XRPD) pattern having calculated lattice spacings at 5.87, 5.30, 4.69, 4.09, 3.88, 3.61, 3.53 and 3.46 Angstroms.

- 35. (New) A pharmaceutical composition consisting essentially of an effective, non-toxic amount of the compound according to claim 15 and a pharmaceutically acceptable carrier therefor.
- 36. (New) A process for converting the compound according to claim 15 into a polymorph of said compound, comprising:
- (a) preparing a solution of the compound according to claim 15 in a solvent at an elevated temperature;
 - (b) cooling the resulting solution;
 - (c) seeding the solution of step (b) with the polymorph of said compound;
 - (d) recovering the polymorph of the compound according to claim 15.
- 37. (New) A process according to claim 36, wherein said solvent is acetone or ethanol.
- 38. (New) A process according to claim 36, further comprising filtering the solution formed in step (a).
- 39. (New) A process according to claim 38, further comprising heating or concentrating said filtered solution.
- 40. (New) A process according to claim 36, wherein the solution is cooled at a rate of 1°C/min.
- 41. (New) A process according to claim 36, wherein the solution is seeded at a temperature of 50°C.